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5545-1001-1
PATENT

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Alan STILLMAN

Conf. 5707

Application No. 10/812,909

Group 2644

Filed March 31, 2004

Examiner Unknown

METHOD AND APPARATUS FOR COMMUNICATING USING PICTOGRAMS

PETITION TO MAKE PATENT APPLICATION SPECIAL

Petition to Special Program Examiner in Art Unit 2644

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 1, 2004

Sir:

The undersigned attorney respectfully requests that the above-identified patent application be made special and examined out of turn under MPEP 703,02 II.

Authorization for charging payment of the fee for this Petition is enclosed.

I allege that:

(A) there is an infringing device actually on the market, as evidenced by the enclosed declaration of Applicant's employee and attached literature received from the Defense Language Institute ("DLI").

(B) a rigid comparison of the alleged infringing device with the claims of the application has been made, and in my opinion, some of the claims are unquestionably infringed. A side-by-side comparison has been done with the present invention and the figure designated as Exhibit A to Applicant's accompanying declaration. The corresponding infringing elements are marked in color as per the declaration; and

(C) Another attorney in my firm caused a careful and thorough search of the prior art to be made, as evidenced from the Search Report filed with the application. Class 283, subclass 46, and Class 434, subclasses 112 and 157, were searched on September 19, 2002.

The seven references, U.S. Patent Nos. 3,271,884; 3,871,115; 4,165,890; 5,169,342; 5,275,818; 5,782,640 and 6,056,549 deemed most closely related to the subject matter encompassed by the claims are already of record.

Please charge the fee of \$130.00 for the Petition fee to Deposit Account No. 25-0120.


The undersigned attorney believes the requirements have been met for a petition to make special under MPEP 708.02 II.

Should there be any matters that need to be resolved in the present Petition, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON


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Arlington, VA 22202
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Attachment: Declaration In Support Of
Petition To Make Special

MP/cam

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Conf. 5707

Application No. 10/812,909

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Examiner Unknown

METHOD AND APPARATUS FOR COMMUNICATING USING PICTOGRAMS

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL

I, Laura Lee Madonna, hereby declare as follows:


1) I am an employee of Alan Stillman, the named inventor in the above-identified application. I make this declaration in support of the present Petition To Make Special due to the infringing activities of Defense Language Institute ("DLI"), a school for military linguistics.

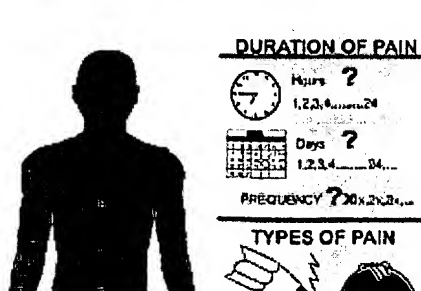
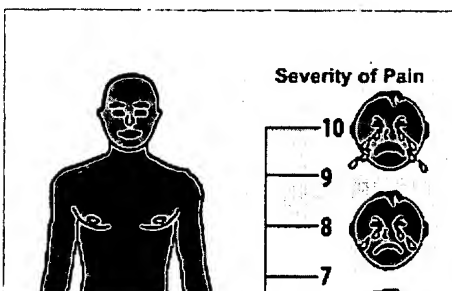
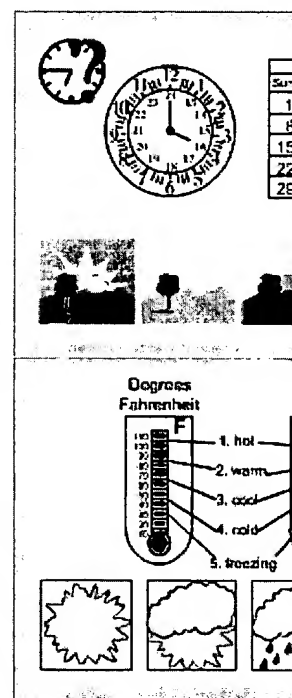
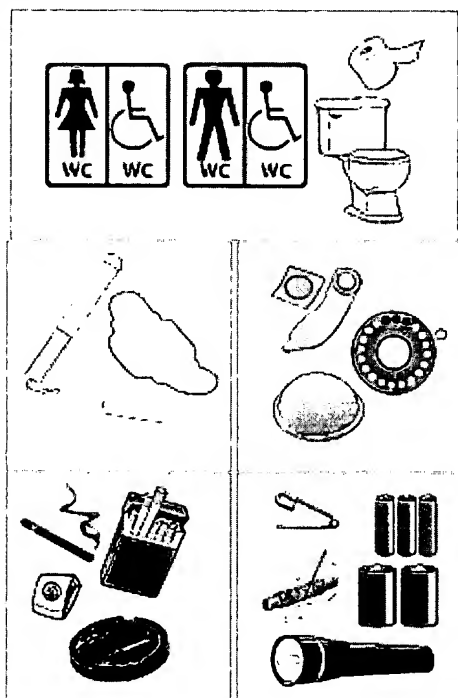
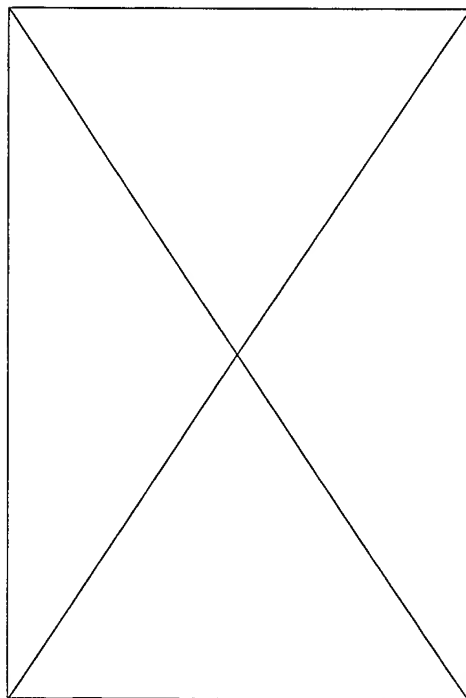
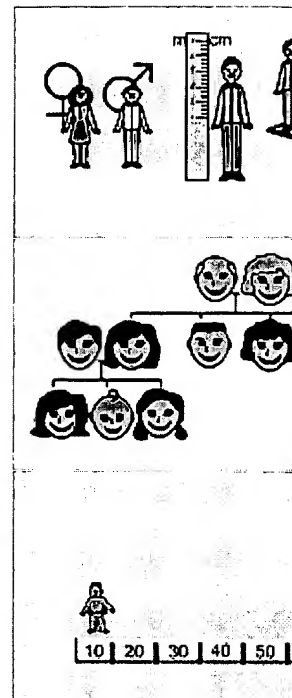
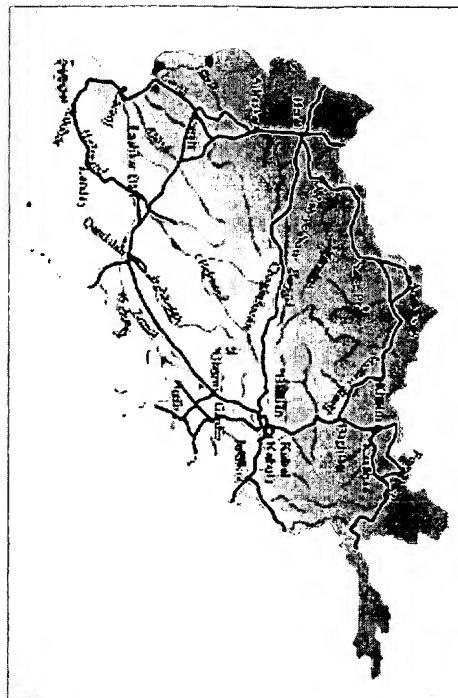
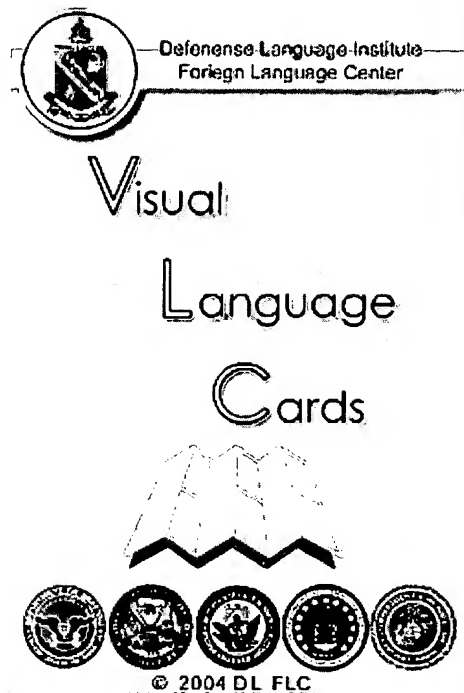
2) In or about February 2004, I became aware that DLI was referencing materials on the internet that are substantially similar, if not exactly the same, as the topic of my employer's invention, an apparatus for communicating using pictograms. Thereafter, about August 23-25, 2004, while attending a trade show in Fort Walton Beach, Florida, I became aware that DLI had created a

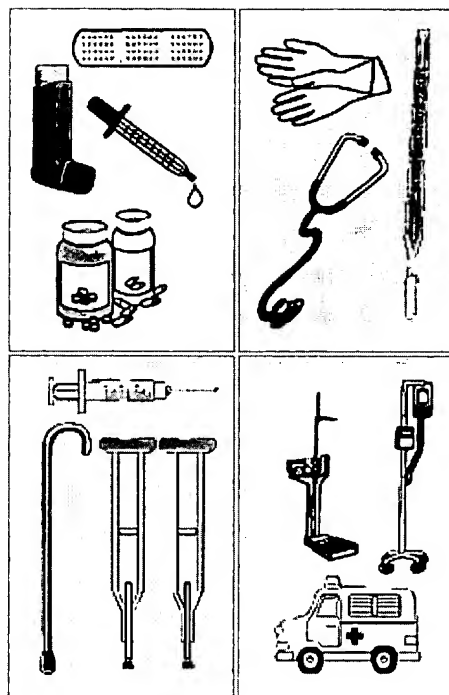
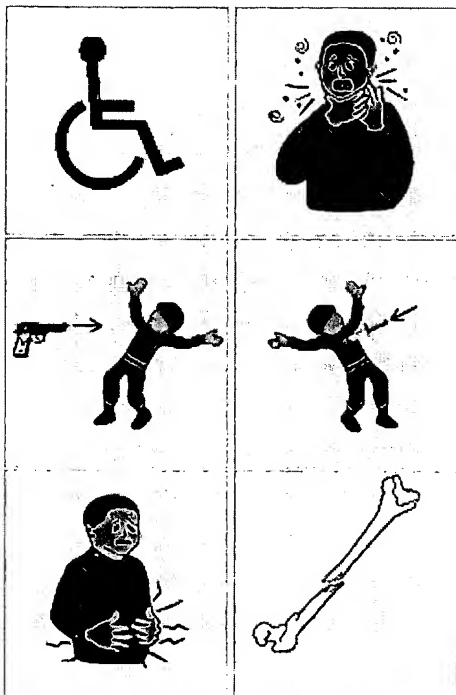
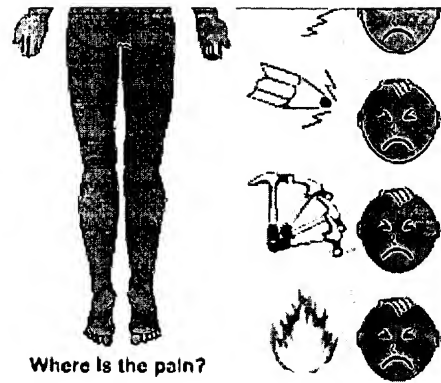
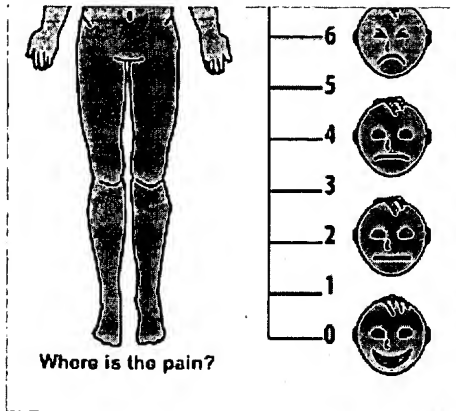
website that would deliver and print pictogram cards which are substantially the similar, if not exactly the same as the topic of my employer's invention. In that regard, see pages attached hereto as Exhibit A printed from DLI's website.

3) The undersigned declares further that all statements made herein are of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Laura Lee Madonna


Date





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